

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TRACEY WAGONEKA, ASHLEY “ED”  
MURRY, and RICK DI DONATO,

Plaintiffs,

vs.

KT&G USA CORPORATION,

Defendant.

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CIVIL ACTION NO. 4:18-CV-859

**AGREED MOTION TO STAY  
PRETRIAL CONFERENCE AND TRIAL**

Plaintiffs Tracey Wagoneka, Ashley “Ed” Murry, and Rick Di Donato (collectively, “Plaintiffs”) and Defendant KT&G USA Corporation (“KT&G USA” and, together with Plaintiffs, the “Parties”) respectfully request that the Court stay the scheduled dates for the pretrial conference and the trial setting. The Parties will notify the Court and seek to reset the pretrial conference and trial date when the applicable authorities have lifted COVID-19-related social-distancing restrictions and travel restrictions.

1. On February 7, 2020, the Court reset the final pretrial conference to May 11, 2020 at 9:00 a.m. and specially set this case for jury selection and trial on May 12, 2020 at 9:00 a.m. (Dkt. 53).

2. Current travel restrictions due to the COVID-19 pandemic would prevent witnesses from South Korea and Pennsylvania from attending the trial or make it extremely difficult for them to do so.

3. In addition, social-distancing guidelines and state and local stay-at-home orders currently in place through April 30, 2020 that may be extended render trial preparation difficult or impossible.

4. Accordingly, the Parties ask the Court to stay the scheduled dates for the pretrial conference and the trial setting, and they agree to notify the Court and seek to reset the pretrial conference and trial when social-distancing restrictions and travel restrictions have been lifted.

5. The Parties do not request the stay of the final pretrial conference or the trial setting for purposes of delay, but so that justice may be done.

Dated: April 6, 2020.

Respectfully submitted:

/s/ Paul W. Simon

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ATTORNEYS FOR PLAINTIFFS TRACEY  
WAGONEKA, ASHLEY MURRY, AND  
RICK DI DONATO

/s/ Marc H. Klein

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KT&G USA CORPORATION

**CERTIFICATE OF CONFERENCE**

I certify that on April 3, 2020, I personally conferred with counsel for Plaintiffs, and Plaintiffs agree to the relief requested in this motion.

/s/J. Meghan Nylin McCaig

J. Meghan Nylin McCaig

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed and served electronically through ECF on April 6, 2020 on all counsel of record.

/s/Marc H. Klein

Marc H. Klein